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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,049	04/10/2001	Michael D. Whitmarsh	10005102-1	8298

7590 11/10/2003	EXAMINER
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400	BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/829,049	WHITMARSH ET AL.	
	Examiner	Art Unit	
	Dennis G Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 October 2003* .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

   4a) Of the above claim(s) *9-24* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-8 and 25* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____ .
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I.   Claims 1-8 and 25, are drawn to a GUI builder, classified in class 345, subclass 744.

   II.   Claims 9-24, are drawn to the control of the network, classified in class 345, subclass 734.

2.   Inventions of group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as being used in a completely different client server relationship from that claimed in group II. See MPEP § 806.05(d).

3.   Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4.   Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5.   During a telephone conversation with Matthew L. Wade, on October 31, 2003 a provisional election was made without traverse to prosecute the invention of Whitmarsh et al., claims 1-8 and 25. Affirmation of this election must be made by applicant in

replying to this Office action. Claims 9-24 are withdrawn from further consideration by

the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-4, 6-9 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated

by Sanchez et al., Patent # 5,832,298, hereinafter Sanchaz.

8.   With regard to claim 1, which teaches a user interface system comprising:

collecting resource information from the devices, Sanchez teaches, in column 2, lines

35-61, collecting information from a copier and generating a graphical user interface.

With regard to the interface of claim 1, further comprising the providing of options based

on the collected resource information, Sanchez teaches, in column 2, lines 35-61,

collecting information from a copier and generating a graphical user interface. With

regard to claim 1, further teaching profiling clients coupled to the network, Sanchez

teaches, in column 2, lines 35-61 and in column 11, lines 50-67 and in figure 10, the

system remembering the sender name as a means of tailoring the system to the users

profile. With regard to claim 1, further teaching constructing user interfaces based on

user profiles and the resource options, wherein the interface builder may be configured

to construct a unique user interface for each of the clients coupled to the network,

Sanchez teaches, in column 2, lines 35-61 and in column 11, lines 50-67 and in figure

10, the system generating a user interface by providing options from the device and remembering the sender name as a means of tailoring the system to the users profile.

9.   With regard to claim 2, which teaches a unique user interface provided for the client, Sanchez teaches, in column 2, lines 35-61 and in column 11, lines 50-67 and in figure 10, the system remembering the sender name as a means of tailoring the system to the users profile.

10.   With regard to claim 3, which teaches a unique user interface retained by the user interface system, Sanchez teaches, in column 11, lines 50-67 and in figure 10, the system remembering the sender name as a means of tailoring the system to the users profile.

11.   With regard to claim 4, which teaches the user interface system being a node in a Local Area Network, Sanchez teaches, in column 1, lines 19-25, the system being a part of a LAN.

12.   With regard to claim 6, which teaches one of the clients being a local area network, Sanchez teaches, in column 1, line 9 and in figure 1, that a LAN contains clients of the network. With respect to claim 6, further teaching the LAN comprising a plurality of network computers, Sanchez teaches, in column 5, line 5 and in figure 1, there being multiple computers connected to the LAN. With regard to claim 6, further teaching the user interface builder providing a unique user interface for 1 or more network computers, Sanchez teaches, in column 2, lines 35-61 and in column 11, lines 50-67 and in figure 10, the system remembering the sender name as a means of tailoring the system to the users profile.

13.   With regard to claim 7 which teaches the user interface system comprising a user interface to a printer driver, Sanchez teaches, in column 2, line 12, a peripheral driver including a method for generating and displaying an adaptive graphical user interface of the current configuration and capability of a networked peripheral device connected to an LAN.

14.   With regard to claim 8, which teaches a user interface having a hierarchical menu of printer option screens, Sanchez teaches, in column 12, lines 23-29 and in figures 12 and 13A, in the address screen, if "new individual" is selected a pop up screen appears on the current screen. With regard to claim 8, further teaching one or more printer screens being dynamic based on user preferences, printer capabilities, and user print option selection, Sanchez teaches, in column 1, lines 9-17, the interface always displaying the current configuration of the peripheral device.

15.   With regard to claim 9, which teaches a method of controlling resource usage, Sanchez teaches, in column 2, lines 35-61, a method of controlling a resource. With respect to claim 9, further teaching receiving a job request, Sanchez teaches, in column 3, line 62, the transmission of a selected job to a networked peripheral device. With regard to claim 9, further teaching selecting a customized user interface based on preferences, Sanchez teaches, in column 2, lines 35-61 and in column 11, lines 50-67, the interface being customized based on the configuration and capabilities of the device and upon previous user input data (the interface saves the previously inputted user name and number). With regard to claim 9, further teaching returning all or part of the application to the client, the application program used for controlling a resource, the

application program based on the user preferences, and capabilities of the resources in the network, wherein the customized user interface provides user access to the application program, Sanchez teaches, in column 2, lines 30-61, the client receiving graphical user interface information from the device for use in controlling the device driver, this application program is based on user preferences and device capabilities.

16.   With regard to claim 25, with teaches a user interface system comprising: the collecting of resource information, Sanchez teaches, in column 2, lines 35-61, collecting configuration and capabilities information from a device. With regard to claim 25, further teaching providing resource options, Sanchez teaches, in column 2, lines 35-61, displaying job options which are appropriate for the current configuration. With regard to claim 25, further teaching constructing user profiles for the connected clients, Sanchez teaches, in column 11, lines 50-65, and in figure 10, retaining user input date in the interface. With regard to claim 25, further teaching constructing user interfaces based on profile and resource options, where in the user interfaces are unique, Sanchez teaches in column 2, lines 35-61 and column 11, lines 50-65, constructing user interfaces based on the available resources options and adapting the user interface based on user input data.

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez

and Wilson.

19.   With regard to claim 5, Sanchez teaches a user interface system that control

resources coupled to a network (see column 2, lines 35-61). Sanchez, however,

doesn't teach that the user interfaces system is an Internet web page. Wilson teaches a

method of controlling multiple printers similar to that of Sanchez, but further teaches, in

column 2, line 40, the use of a web page for displaying the printer interface. It would

have been obvious to one of ordinary skill in the art, having the teachings of Sanchez

and Wilson before him at the time the invention was made to modify the user interface

system of Sanchez to include the ability to view the interface in the form of a web page,

as did Wilson. One would have been motivated to make such a combination because a

web page printer interface could provide multiple users easy access to the printer

without the need to download application programs.

Conclusion

20.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach user interface systems for collecting resource information from peripheral

devices.

21.   Any inquiry concerning this communication or earlier communications from the

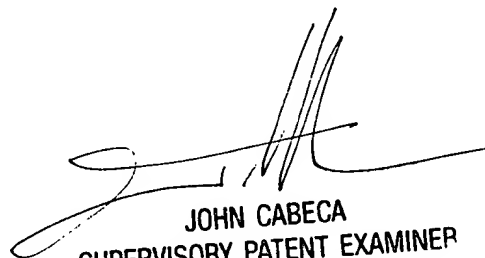examiner should be directed to Dennis G Bonshock whose telephone number is (703)

305-4668. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00

p.m..

22.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

23.   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

dgb

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100